

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

A.W., individually and on behalf of E.D., a child with
a disability,

Plaintiffs,

-against-

NEW YORK CITY DEPARTMENT OF EDUCATION,

Defendant.

Case No. 20-cv-06799 (JPC)

PROPOSED JUDGMENT AWARDING PLAINTIFFS' ATTORNEYS' FEES AND COSTS

The Court GRANTS Plaintiffs' motion for summary judgment, as well as post-judgment interest WITH MODIFICATIONS as set forth on the record of the proceedings held by the Court on March 10, 2022:

Hourly Rates:

1. Plaintiffs are entitled to an hourly rate of \$420.00 for senior attorneys Andrew Cuddy, Michael Cuddy, Nina Aasen and Jason Sterne.
2. Plaintiffs are entitled to an hourly rate of \$310.00 for associate attorney Kevin Mendillo, and Plaintiffs are entitled to an hourly rate of \$200.00 for associate attorney Britton Bouchard.
3. Plaintiffs are entitled to an hourly rate of \$125.00 for paralegal Shobna Cuddy, and Plaintiffs are entitled to an hourly rate of \$100.00 for paralegals Allison Bunnell, Amanda Pinchak, Sarah Woodard, Alyson Green, and Cailin O'Donnell.

4. Plaintiffs are entitled to an hourly rate of \$210 per hour for the travel time of Michael Cuddy and Nina Aasen.

Administrative proceeding:

5. Plaintiffs are entitled to 1.5 hours of travel each way between the Plaintiff's counsel's offices and the hearing location, for a total of 4.5 hours in travel. At a rate of \$210 per hour, Plaintiffs are entitled to \$945.00 in billed travel time for Ms. Aasen.
6. Plaintiffs are entitled to .2 hours of time billed by Andrew Cuddy. After reducing 1.4 hours expended by Mr. Cuddy in reviewing billing statements from the total of 1.6 hours billed by him in the administrative proceeding, Mr. Cuddy's total number of hours in the administrative proceeding amounts to .2 hours. At an hourly rate of \$420 per hour, Plaintiffs are entitled to a total of \$84.00 in fees for Mr. Cuddy.
7. Plaintiffs are entitled to 2.2 hours of time billed by Michael Cuddy as part of the administrative proceeding. At an hourly rate of \$420 per hour, Plaintiffs are entitled to a total of \$924.00 in fees for Mr. Cuddy.
8. Plaintiffs are entitled to 72.4 hours of time billed by Nina Aasen as part of the administrative proceeding. At an hourly rate of \$420 per hour, Plaintiffs are entitled to a total of \$30,408.00 in fees for Ms. Aasen.
9. Plaintiffs are entitled to 16.0 hours of time billed by Jason Sterne as part of the administrative proceeding, after reducing Mr. Sterne's total hours of 17.6 by 1.6. At an hourly rate of \$420 per hour, Plaintiffs are entitled to a total of \$6,720.00 in fees for Mr. Sterne.
10. Plaintiffs are entitled to 40.7 hours of time billed by paralegals Allison Bunnell (13.3), Amanda Pinchak (27.1), and Sarah Woodard (.3) as part of the administrative

proceeding. At an hourly rate of \$100 per hour, Plaintiffs are entitled to a total of \$4,070.00 in fees for the above paralegals.

11. Plaintiffs are entitled to none of the 1.3 hours of time billed by paralegal Shobna Cuddy as part of the administrative proceeding as those hours pertained to reviewing and preparing billing statements.
12. Plaintiffs are entitled to a total of \$43,151.00 in fees for the administrative proceeding.

Hours billed to Federal Action:

13. The total number of hours incurred by Mr. Bouchard in preparing the motion for summary judgment is reduced from 56.5 to 40.0. Accordingly, Plaintiffs are entitled to 40.0 hours of time billed by Britton Bouchard to prepare the motion for summary judgment.
14. After reducing the total number of hours Plaintiffs are entitled to for Mr. Bouchard's time preparing the motion for summary judgment, and in the absence of any specific objections challenging the remaining time billed by Plaintiffs' counsel in the federal action, Plaintiffs are entitled to a total of 61.1 hours for the time incurred by Mr. Bouchard in the federal action. At an hourly rate of \$200 per hour, Plaintiffs are entitled to a total of \$12,220.00 in fees for Mr. Bouchard.
15. Plaintiffs are entitled to 9.5 hours billed by Andrew Cuddy in the federal action. At an hourly rate of \$420 per hour, Plaintiffs are entitled to a total of \$3,990.00 in fees for Mr. Cuddy.

16. Plaintiffs are entitled to 1.4 hours billed by Kevin Mendillo in the federal action. At an hourly rate of \$310 per hour, Plaintiffs are entitled to a total of \$434.00 in fees for Mr. Mendillo.

17. Plaintiffs are entitled to 0.9 hours billed by Michael Cuddy in the federal action. At an hourly rate of \$420 per hour, Plaintiffs are entitled to a total of \$378.00 in fees for Mr. Cuddy.

18. Plaintiffs are entitled to a total of 3.4 hours billed by paralegals Cailin O'Donnell, and Allyson Green in the federal action. At an hourly rate of \$100 per hour, Plaintiffs are entitled to a total of \$340.00 in fees for the above paralegals.

19. Plaintiffs are entitled to a total of 2.4 hours billed by paralegal Shobna Cuddy in the federal action. At an hourly rate of \$125 per hour, Plaintiffs are entitled to a total of \$300.00 in fees for Ms. Cuddy.

20. Plaintiffs are entitled to a total of \$17,662.00 in fees for the federal action.

Costs billed to Administrative Proceeding:

21. Plaintiffs are not entitled to recover for lodging costs.

22. Plaintiffs are entitled to 10 cents per page for copying expenses, for a total of \$23.60.

23. Plaintiffs are entitled to one-third of the amount sought for meals, mileage, transportation and tolls, of which, Plaintiffs seek a total amount of \$412.71. One-third of the total amount sought by Plaintiffs equals \$137.57.

24. Plaintiffs are entitled a total of \$161.17 in costs for the administrative proceeding.

Costs billed to Federal Proceeding:

25. Plaintiffs are entitled to the filing fee in the amount of \$400.00.

26. Plaintiffs are entitled a total of \$400.00 in costs for the federal action.

Accordingly, it is hereby ORDERED that Plaintiffs are awarded attorneys' fees in the amount of \$60,813.00 and costs in the amount of \$561.17, with post-judgment interest thereon.

SO ORDERED.

Dated: April 4, 2022
New York, New York



Hon. John P. Cronan
United States District Judge